

Message

From: Herrera, Angeles [Herrera.Angeles@epa.gov]
Sent: 11/2/2022 12:37:54 AM
To: Kowbel, Nelline@DTSC [nelline.kowbel@dtsc.ca.gov]; BALKUS, NANCY J SES USAF HAF AF/SAF/IEE [nancy.balkus@us.af.mil]; Guzman, Martha [Guzman.Martha@epa.gov]; Williams, Meredith@DTSC [Meredith.Williams@dtsc.ca.gov]; Plaziak, Mike@Waterboards [Mike.Plaziak@Waterboards.ca.gov]
CC: Montgomery, Michael [Montgomery.Michael@epa.gov]; Murai, Vivian@DTSC [Vivian.Murai@dtsc.ca.gov]; WHITE, CAROLYN M NH-04 US Air Force HAF SAF/GCN [carolyn.white@us.af.mil]; JOHNSON, KENNY R GS-15 USAF AFMC AFCEC/CZR [kenny.johnson@us.af.mil]; Copeland, Patrice@Waterboards [patrice.copeland@waterboards.ca.gov]; Beryt, Elizabeth@Waterboards [Elizabeth.Beryt@waterboards.ca.gov]; Shalev, Omer (he/him) [Shalev.Omer@epa.gov]; BROWN, MICHELLE J GS-14 USAF HAF SAF/IEE [michelle.brown.36@us.af.mil]; LOPEZ, JUDY M GS-15 USAF AFMC AFCEC/CZ [judy.lopez.1@us.af.mil]; KALE, WILLIAM H Brig Gen USAF AFMC AFCEC/CC [william.kale@us.af.mil]; LYNNEs, KATHRYN D GS-15 USAF HAF RMG DET 11/IEE [kathryn.lynnes@us.af.mil]; SCHIFF, PAUL A GS-13 USAF AFMC AFCEC/CZOW [paul.schiff@us.af.mil]; Depies, Kevin@DTSC [Kevin.Depies@dtsc.ca.gov]; alonzo poach [Alonzo.Poach@Waterboards.ca.gov]; Huang, Judy [Huang.Judy@epa.gov]
Subject: RE: Edwards AFB Arroyos ROD Dispute: AF Response to Joint Regulatory Agency Comments
Attachments: Table C-1_ARARs_10-31-22 Regulator Edits.docx; Draft Final ROD Rev AF version 9 Sep 2022 Regulatory Agency Comments 102822 Clean Revised.docx

Dear Deputy Assistant Secretary Balkus:

On behalf of Regional Administrator Guzman and her Senior Executive Committee counterparts at California DTSC and the Lahontan Regional Water Quality Control, I am attaching the revised ROD and revised ARARs Table (Table C-1), reflecting the Regulatory Agencies' joint responses to the Air Force's September 9th revisions and Key Points in Response to Joint Regulator Agencies' Edits.

There are remaining differences which we hope to resolve in an upcoming Air Force and Regulatory Agencies' attorneys and RPMs meeting yet to be scheduled. Please have your attorney contact the Regulatory Agencies attorneys (copied here), Ms. Brianna Fairbanks (EPA), Ms. Elizabeth Beryt (Lahontan RWQCB), and Ms. Vivian Murai (California DTSC), to schedule the meeting. The Regulatory Agency teams are hopeful to schedule that meeting December 7, 8, 9, 12 or 13.

Sincerely,

Angeles Herrera
Assistant Director
Superfund and Emergency Management Division

From: Kowbel, Nelline@DTSC <Nelline.Kowbel@dtsc.ca.gov>
Sent: Wednesday, October 12, 2022 2:31 PM
To: BALKUS, NANCY J SES USAF HAF AF/SAF/IEE <nancy.balkus@us.af.mil>; Guzman, Martha <Guzman.Martha@epa.gov>; Williams, Meredith@DTSC <Meredith.Williams@dtsc.ca.gov>; Plaziak, Mike@Waterboards <Mike.Plaziak@Waterboards.ca.gov>
Cc: Montgomery, Michael <Montgomery.Michael@epa.gov>; Murai, Vivian@DTSC <Vivian.Murai@dtsc.ca.gov>; WHITE, CAROLYN M NH-04 US Air Force HAF SAF/GCN <carolyn.white@us.af.mil>; JOHNSON, KENNY R GS-15 USAF AFMC AFCEC/CZR <kenny.johnson@us.af.mil>; Copeland, Patrice@Waterboards <patrice.copeland@waterboards.ca.gov>; Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>; Shalev, Omer (he/him) <Shalev.Omer@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; BROWN, MICHELLE J GS-14 USAF HAF SAF/IEE <michelle.brown.36@us.af.mil>; LOPEZ, JUDY M GS-15 USAF AFMC AFCEC/CZ <judy.lopez.1@us.af.mil>; KALE, WILLIAM H Brig Gen USAF AFMC AFCEC/CC <william.kale@us.af.mil>; LYNNEs, KATHRYN D GS-15 USAF HAF RMG DET 11/IEE <kathryn.lynnes@us.af.mil>; SCHIFF, PAUL A GS-13 USAF AFMC AFCEC/CZOW <paul.schiff@us.af.mil>
Subject: RE: Edwards AFB Arroyos ROD Dispute: AF Response to Joint Regulatory Agency Comments

Good afternoon Deputy Assistant Secretary Balkus,

DTSC, EPA, and the Board are collaborating to develop a response to the Air Force's latest edits to the Edwards Air Force Base Draft Final Revision 3 Arroyos Record of Decision. This collaboration requires extensive reviews and coordination by staff at various levels for each agency. Because of this, I am sending this email on behalf of the State to notify you of DTSC's and the Water Board's need for more time than you had requested.

We are targeting providing you with our input and revisions by November 1, 2022. Assuming that the Air Force will need at least 14 days to review our input/revisions, we would suggest that a subsequent meeting of Remedial Project Managers and Attorneys be held after November 15, to work through any remaining issues. If you could, please have your designated attorney contact Ms. Brianna Fairchild (U.S. EPA), Ms. Vivian Murai (DTSC) and Ms. Elizabeth Beryt (Board) to schedule the meeting. Their email addresses are on the cc list above.

Best regards,



Nelline Kowbel, PE
Division Chief (C.E.A.)
Site Mitigation and Restoration Program, Northern California Division
Ex. 6 Personal Privacy (PP)
nelline.kowbel@dtsc.ca.gov
Department of Toxic Substances Control
California Environmental Protection Agency

From: BALKUS, NANCY J SES USAF HAF AF/SAF/IEE <nancy.balkus@us.af.mil>

Sent: Friday, September 9, 2022 5:01 PM

To: Guzman, Martha <Guzman.Martha@epa.gov>; Williams, Meredith@DTSC <Meredith.Williams@dtsc.ca.gov>; Plaziak, Mike@Waterboards <Mike.Plaziak@Waterboards.ca.gov>

Cc: Montgomery, Michael <Montgomery.Michael@epa.gov>; Kowbel, Nelline@DTSC <Nelline.Kowbel@dtsc.ca.gov>; Murai, Vivian@DTSC <Vivian.Murai@dtsc.ca.gov>; WHITE, CAROLYN M NH-04 US Air Force HAF SAF/GCN <carolyn.white@us.af.mil>; JOHNSON, KENNY R GS-15 USAF AFMC AFCEC/CZR <kenny.johnson@us.af.mil>; Copeland, Patrice@Waterboards <patrice.copeland@waterboards.ca.gov>; Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>; Shalev, Omer (he/him) <Shalev.Omer@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; BROWN, MICHELLE J GS-14 USAF HAF SAF/IEE <michelle.brown.36@us.af.mil>; LOPEZ, JUDY M GS-15 USAF AFMC AFCEC/CZ <judy.lopez.1@us.af.mil>; KALE, WILLIAM H Brig Gen USAF AFMC AFCEC/CC <william.kale@us.af.mil>; LYNNEs, KATHRYN D GS-15 USAF HAF RMG DET 11/IEE <kathryn.lynnes@us.af.mil>; SCHIFF, PAUL A GS-13 USAF AFMC AFCEC/CZOW <paul.schiff@us.af.mil>

Subject: RE: Edwards AFB Arroyos ROD Dispute: AF Response to Joint Regulatory Agency Comments

Good Afternoon Administrator Guzman, Director Williams, and Mr. Pleziak:

Attached are the following three documents;

- (1) Cover letter
- (2) Air Force Key concepts related to review and ROD changes (similar to what was provided with the joint regulators' proposed ROD revisions)
- (3) Current revised ROD reflecting Air Force responses to proposed regulator revisions, along with explanatory notes and comments

As before, due to the size of the data files, this does not contain appendices, plates, tables and figures, which will need to be transferred via a file exchange platform. Please have your respective staffs work directly with the Remedial Project Manager at Edwards AFB, Mr. Paul Schiff

(661-277-1469, paul.schiff@us.af.mil), to arrange for the electronic transmission of these supporting ROD attachments.

v/r,
Nancy

Nancy J. Balkus, P.E., SES
Deputy Assistant Secretary of the Air Force (Environment, Safety and Infrastructure)
DSN 227-9297 / Comm 703-697-9297
Pentagon Room 4B941

EXECUTIVE OFFICER: Capt Deborah (Deb) Smith
Email: deborah.smith.22@us.af.mil; Office: (703) 697-9297; Telework: (704) 779-7399

ASSISTANT EXEC: Mr Benjamin (Ben) Eady
Email: benjamin.eady.ctr@us.af.mil; Office: (703) 697-9297; Telework: (678) 507-4773

From: Montgomery, Michael <Montgomery.Michael@epa.gov>
Sent: Friday, August 12, 2022 8:58 PM
To: BALKUS, NANCY J SES USAF HAF AF/SAF/IEE <nancy.balkus@us.af.mil>
Cc: Williams, Meredith@DTSC <Meredith.Williams@dtsc.ca.gov>; Kowbel, Nelline@DTSC <nelline.kowbel@dtsc.ca.gov>; Murai, Vivian@DTSC <Vivian.Murai@dtsc.ca.gov>; Plaziak, Mike@Waterboards <mike.plaziak@waterboards.ca.gov>; WHITE, CAROLYN M NH-04 US Air Force HAF SAF/GCN <carolyn.white@us.af.mil>; JOHNSON, KENNY R GS-15 USAF AFMC AFCEC/CZR <kenny.johnson@us.af.mil>; Patrice Copeland - State of CA, Regional Water Quality Control Board, Lahontan Region <patrice.copeland@waterboards.ca.gov>; Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>; Shalev, Omer (he/him) <Shalev.Omer@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; BROWN, MICHELLE J GS-14 USAF HAF SAF/IEE <michelle.brown.36@us.af.mil>; LOPEZ, JUDY M GS-15 USAF AFMC AFCEC/CZ <judy.lopez.1@us.af.mil>; KALE, WILLIAM H Brig Gen USAF AFMC AFCEC/CC <william.kale@us.af.mil>; LYNNEs, KATHRYN D GS-15 USAF HAF RMG DET 11/IEE <kathryn.lynnes@us.af.mil>
Subject: [Non-DoD Source] RE: Edwards AFB Arroyos ROD Dispute: Joint Regulatory Agency Comments

DAS Balkus,
EPA and our State colleagues agree on the extension until September 11 (item #4). The process suggested regarding next steps is appropriate and can be used to answer questions regarding changes that appear unrelated to the disputed issues. My best recollection is that these changes were intended to ensure consistency throughout the document with the resolved matters. We are certainly open to suggestions if this language creates confusion. Please have your folks work with Omer Shalev on the initial dialogue. Thank you for the coordination and collaboration.

Michael Montgomery
(He/Him)
Director
Region 9 Superfund and Emergency Management Division
(415) 972-3438

Ex. 6 Personal Privacy (PP)

 (cell)

From: BALKUS, NANCY J SES USAF HAF AF/SAF/IEE <nancy.balkus@us.af.mil>

Sent: Thursday, August 11, 2022 4:00 PM

To: Montgomery, Michael <Montgomery.Michael@epa.gov>

Cc: Williams, Meredith@DTSC <Meredith.Williams@dtsc.ca.gov>; Kowbel, Nelline@DTSC <nelline.kowbel@dtsc.ca.gov>;

Murai, Vivian@DTSC <Vivian.Murai@dtsc.ca.gov>; Plaziak, Mike@Waterboards <mike.plaziak@waterboards.ca.gov>;

WHITE, CAROLYN M NH-04 US Air Force HAF SAF/GCN <carolyn.white@us.af.mil>; JOHNSON, KENNY R GS-15 USAF

AFMC AFCEC/CZR <kenny.johnson@us.af.mil>; Patrice Copeland - State of CA, Regional Water Quality Control Board,

Lahontan Region <patrice.copeland@waterboards.ca.gov>; Beryt, Elizabeth@Waterboards

<Elizabeth.Beryt@waterboards.ca.gov>; Shalev, Omer (he/him) <Shalev.Omer@epa.gov>; Herrera, Angeles

<Herrera.Angeles@epa.gov>; BROWN, MICHELLE J GS-14 USAF HAF SAF/IEE <michelle.brown.36@us.af.mil>; LOPEZ,

JUDY M GS-15 USAF AFMC AFCEC/CZ <judy.lopez.1@us.af.mil>; KALE, WILLIAM H Brig Gen USAF AFMC AFCEC/CC

<william.kale@us.af.mil>; LYNNEs, KATHRYN D GS-15 USAF HAF RMG DET 11/IEE <kathryn.lynnes@us.af.mil>

Subject: RE: Edwards AFB Arroyos ROD Dispute: Joint Regulatory Agency Comments

Director Montgomery,

Thank you for sharing your comments on the *Draft Final Record of Decision, Air Force Research Laboratory Arroyos, Operable Unit 4/9, Edwards Air Force Base, California, Revision 3*. In order to understand and then provide an effective response to the Joint Regulatory comments, I would like to request a couple clarifications and a time extension to provide a considered response. My Environmental Director, Michelle Brown, reached out to you on 10 Aug to try to gain this clarification, but we have not heard back, so I wanted to put it into writing to show our desire to collaborate and communicate.

- (1) We need clarification from EPA Region IX on the scope of the review. Many of the joint regulatory edits are unrelated to the disputed issues resolved by the Written Position, and we would like to better understand the application of a few dispute-related items in the Written Position.
- (2) We would also like to understand EPA Region IX's expected next steps on which the Written Position is silent. We propose the way ahead include a single meeting at staff level, with any remaining unresolved issues to go back to the Dispute Resolution Committee (DRC), and only return to the SEC if remedial project managers and the DRC are unable to reach agreement. I would be interested in your view.
- (3) Could you please designate an appropriate person to discuss the questions above so we can get clarification?
- (4) Finally, we would appreciate an extension of no more than 30 days (Sep 11, 2022), to allow this clarification coordination to occur, followed by our response to the joint regulatory agency comments.

We too are looking forward to further collaboration to finalize the Draft Final Record of Decision Revision.

v/r,
Nancy

Nancy J. Balkus, P.E., SES
Deputy Assistant Secretary of the Air Force (Environment, Safety and Infrastructure)
DSN 227-9297 / Comm 703-697-9297
Pentagon Room 4B941

EXECUTIVE OFFICER: Capt Deborah (Deb) Smith

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ASSISTANT EXEC: Mr Benjamin (Ben) Eady

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From: Herrera, Angeles <Herrera.Angeles@epa.gov>

Sent: Thursday, July 28, 2022 1:36 PM

To: BALKUS, NANCY J SES USAF HAF AF/SAF/IEE <nancy.balkus@us.af.mil>; WHITE, CAROLYN M NH-04 US Air Force HAF SAF/GCN <carolyn.white@us.af.mil>; JOHNSON, KENNY R GS-15 USAF AFMC AFCEC/CZR <kenny.johnson@us.af.mil>

Cc: Williams, Meredith@DTSC <Meredith.Williams@dtsc.ca.gov>; Kowbel, Nelline@DTSC <nelline.kowbel@dtsc.ca.gov>; Murai, Vivian@DTSC <Vivian.Murai@dtsc.ca.gov>; Plaziak, Mike@Waterboards <mike.plaziak@waterboards.ca.gov>;

Patrice Copeland - State of CA, Regional Water Quality Control Board, Lahontan Region

<patrice.copeland@waterboards.ca.gov>; Beryt, Elizabeth@Waterboards <Elizabeth.Beryt@waterboards.ca.gov>;

Montgomery, Michael <Montgomery.Michael@epa.gov>; Shalev, Omer (he/him) <Shalev.Omer@epa.gov>

Subject: [Non-DoD Source] Edwards AFB Arroyos ROD Dispute: Joint Regulatory Agency Comments

Dear Ms. Balkus:

On behalf of Michael Montgomery, thank you for the opportunity to review and comment on the *Draft Final Record of Decision, Air Force Research Laboratory Arroyos, Operable Unit 4/9, Edwards Air Force Base, California, Revision 3*, dated May 2022 (DF ROD Rev 3). The DF ROD Rev3 consists of the Draft Final Interim Groundwater Record of Decision for Site 162 and 461, Draft Final Subsurface Record of Decision for Sites 162 and 461, and Draft Final Seep Water Record of Decision for Site 461. Joint edits and comments from California DTSC, EPA, and the Water Board, collectively referred to as the "Regulatory Agencies", are attached. The first attachment (*Regulatory Agencies' General Comments 072522.docx*) consists of joint general comments, and the second attachment (*Draft Final ROD Rev 3 Regulatory Agencies' Comments 072522.docx*) reflects specific edits and comments in Redline/Strike out.

More discussions may be needed to facilitate the modifications identified by the Regulatory Agencies. In conversations amongst the project team, we recommend that these conversations begin with site staff and elevate to the Dispute Resolution Committee only if the remedial project managers are unable to reach agreement. We look forward to further collaboration to finalize the Draft Final Record of Decision Revision.

Sincerely,

Angeles Herrera
Assistant Director
Federal Facilities and Cleanup Branch